

1 Hon. Richard A. Jones
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MEGAN MING FRANCIS, et al.,

9 Plaintiffs,

v.

10 UNITED STATES DEPARTMENT OF
11 JUSTICE,

Defendant.

No. 2:19-cv-1317-RAJ

**FOURTH JOINT STATUS
REPORT**

1 Pursuant to the Court’s August 11, 2020 Scheduling Order,¹ plaintiffs Megan Ming
 2 Francis, Matthew J. Connelly, Mary L. Dudziak, Matthew L. Jones, Hiroshi Motomura,
 3 Campaign for Accountability, and the Knight First Amendment Institute at Columbia University
 4 (collectively, “Plaintiffs”) and defendant United States Department of Justice (“Defendant”)
 5 respectfully submit this Joint Status Report proposing a further schedule for the processing and
 6 production of records responsive to Plaintiffs’ Freedom of Information Act (“FOIA”) request for
 7 all Office of Legal Counsel (“OLC”) formal written opinions² issued prior to February 15, 1994.
 8 The parties met and conferred electronically multiple times since the parties’ Third Joint Status
 9 Report, and telephonically on October 23, 2020 and November 5, 2020, and propose the
 10 following plan for further proceedings in this case.

11 1. Proposed schedule for processing and production of non-exempt responsive records

12 In the parties’ August 10, 2020 Third Joint Status Report, ECF No. 20, they outlined a
 13 plan to continue the processing and production of a subset of OLC opinions from pre-agreed
 14 years prior to 1981, to potentially reduce the total processing time. On October 27, 2020,
 15 Defendant produced an additional 150 responsive records from 1965, 1969, and 1981 pursuant to
 16 this plan.³ Plaintiffs also have a pending request for the production of 275 records from 1977
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¹ On November 4, 2020, the Court granted the parties’ Joint Motion for an Extension of Time to
 19 file a Joint Status Report, ECF No. 22.

20 ² As defined in Plaintiffs’ FOIA request.

21 ³ Plaintiffs have identified four outstanding records that they requested from 1969 and two
 22 outstanding records that they requested from 1981 that were not in this production. DOJ will
 follow up with Plaintiffs on the status of these records as soon as practical.

1 and 1954.

2 The parties have agreed that Defendant will pause the processing and production of
3 additional opinions while they negotiate a plan for continued production of records responsive to
4 Plaintiffs' request and discuss whether Plaintiffs will narrow their request.

5 2. Parties' views on further proceedings

6 The parties continue to negotiate a method to reduce the processing time for Plaintiffs'
7 FOIA request and have begun discussion of a possible settlement. The parties propose that they
8 submit either a settlement agreement and stipulation of dismissal or a fifth Joint Status Report
9 proposing a schedule for the continued processing of records responsive to Plaintiffs' request by
10 January 8, 2020.

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12 DATED: November 13, 2020

Respectfully submitted,

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14 /s/ Alex Abdo

15 Alex Abdo, *Pro Hac Vice*
16 Jameel Jaffer, *Pro Hac Vice*
17 Knight First Amendment Institute at Columbia
18 University
19 475 Riverside Drive, Suite 302
20 New York, NY 10115
21 (646) 745-8500
22 alex.abdo@knightcolumbia.org

/s/ Katherine George

Katherine George (WSBA 36288)
Johnston George LLP
2101 4th Ave., Suite 860
Seattle, WA 98121
(206) 832-1820

1 kathy@johnstongeorge.com

2 *Attorneys for Plaintiffs*

3 JEFFREY BOSSERT CLARK
4 Acting Assistant Attorney General
Civil Division

5 MARCIA BERMAN
6 Assistant Branch Director
Federal Programs Branch

7 /s/ Rebecca Cutri-Kohart
8 REBECCA CUTRI-KOHART
DC Bar No. 1049030
9 Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
10 1100 L Street NW
Washington, DC 20530
(202) 514-0265 (telephone)
(202) 616-8460 (facsimile)
rebecca.cutri-kohart@usdoj.gov

13 *Attorneys for Defendant*